

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. Patent No: 7,717,131
Entitled: DIVERTER VALVE
Dated: May 18, 2010
Inventor(s): CRESWELL ET AL.
Docket No.: 70038-0068

REQUEST FOR ISSUANCE OF CERTIFICATE OF CORRECTION
PURSUANT TO 37 C.F.R. § 1.322

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request that the Commissioner issue a Certificate of Correction regarding the above-identified U.S. patent as set forth on the attached Form PTO/SB/44. The error specified on this form is an error which is the fault of the Patent and Trademark Office and is believed to be of a material nature.

The Notice of Allowance mailed March 19, 2009, determined that the patent term extension was 0 days (*attached as Exhibit A*). Applicants' attorney filed a Request for Reconsideration of Patent Term Adjustment on March 22, 2009 (*attached as Exhibit B*). At that time, the correct patent term adjustment was 147 days as calculated under 37 CFR § 1.704(a). The Office of Petitions agreed that Applicants were correct and granted the Request on April 14, 2010 (*attached as Exhibit C*).

The Issue Notification mailed April 28, 2010, showed a patent term adjustment of 689 days (*attached as Exhibit D*). Applicants' attorney believed that this was an error by the Patent Office and contacted the Office of Patent Legal Administration. Per conversation with the Office of Patent Legal Administration, it was determined that the correct patent term adjustment should be 550 days.

The calculation was explained by the Office in this manner:

177 days for the late mailing of the first Office Action;

403 days for days beyond the 3-year filing date as calculated under *Wyeth* based on the 30 month deadline date of April 10, 2006;

less 30 days of applicant delay;

which leaves a total patent term adjustment of **550 days**.

The patent issued on May 18, 2010, with a patent term adjustment of 689 days (*attached as Exhibit E*).

Issuance of a Certificate of Correction is respectfully requested.

Respectfully submitted,

CRESWELL ET AL.

Date: June 4, 2010

By: /Joel E Bair/

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